

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTONIO GAITHER, #229868,

Plaintiff,

Civil Action No. 19-cv-13398
HON. BERNARD A. FRIEDMAN
MAG. DAVID R. GRAND

vs.

THOMPSON, *et al.*

Defendants.

/

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION, DISMISSING THE COMPLAINT
WITH PREJUDICE, AND DENYING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AS MOOT**

Before the Court is Chief Magistrate Judge David R. Grand's February 21, 2023 report and recommendation. (ECF No. 58). The report recommends that the Court dismiss the complaint with prejudice because of plaintiff Antonio Gaither's failure to prosecute this action. Fed. R. Civ. P. 41(b). It also recommends that the Court deny defendants' motion for summary judgment as moot. (ECF No. 56). None of the parties objected to the report and recommendation pursuant to Fed. R. Civ. P. 72(b)(2).

This Court had an opportunity to fully review the matter and believes the magistrate judge reached the correct conclusions for the proper reasons. Accordingly,

IT IS ORDERED that Chief Magistrate Judge David R. Grand's February 21, 2023 report and recommendation (ECF No. 58) is hereby accepted and adopted.

IT IS FURTHER ORDERED that the complaint is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b).

IT IS FURTHER ORDERED that defendants' motion for summary judgment (ECF No. 56) is denied as moot.

Dated: March 13, 2023
Detroit, Michigan

s/Bernard A. Friedman
Bernard A. Friedman
Senior United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on March 13, 2023.

Antonio Gaither # Antonio Gaither
MACOMB CORRECTIONAL FACILITY
34625 26 MILE ROAD
NEW HAVEN, MI 48048

s/Johnetta M. Curry-Williams
Case Manager